

MICHAEL J. WALKER, OSB NO. 055108

Email: mwalker@pbswlaw.com

PARKS BAUER LLP

570 Liberty Street SE, Suite 200

Salem, Oregon 97301

Telephone: (503) 371-3502

Facsimile: (503) 371-0429

Of Attorneys for Defendant State Farm Fire and Casualty Company

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

LITTLE TREES INVESTMENTS, LLC,

Plaintiff,

VS.

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

Clackamas County Civil No. 24CV39239

USDC No. _____

NOTICE OF REMOVAL

DEMAND FOR JURY TRIAL

To: The Clerk of The United States District Court, District of Oregon,
and plaintiff Little Trees Investments, LLC, by and through its attorney,
Nicholas Thede, 3519 NE 15th Ave. #489, Portland, OR 97212

Defendant State Farm Fire and Casualty Company (State Farm), hereby gives notice that this action is removed to this court from the Circuit Court of the State of Oregon for Clackamas County. Pursuant to 28 U.S.C. § 1441, State Farm further states as follows:

1. State Farm is a party in a civil action filed in the Circuit Court of the State of Oregon, County of Clackamas, entitled *Little Trees Investments, LLC v. State Farm Fire and Casualty Company*, Case No. 24CV39239.

2. Plaintiff filed a Complaint against State Farm with the court clerk for the Circuit Court of Multnomah County, Oregon, on August 14, 2024. A copy of the Complaint is attached as Exhibit 1.

3. According to plaintiff's proof of service filed with the Clackamas County Circuit Court, plaintiff served State Farm with the Summons and Complaint on August 15, 2024. The Summons and proof of service are attached hereto as Exhibit 2.

4. This removal notice is timely under 28 U.S.C. § 1446(b) in that State Farm filed the present notice of removal within 30 days after being served with the Complaint.

5. On information and belief, plaintiff is, and at all times material has been, an Oregon limited liability company with a principal place of business in Oregon.

6. State Farm is, and at all times material has been, a corporation organized under the laws of the State of Illinois, having its principal place of business in the State of Illinois, and is authorized to transact business and has transacted business in the State of Oregon.

7. Plaintiff has made a claim against defendant State Farm for contractual benefits and other damages allegedly owed under an insurance policy. Plaintiff alleges on page seven of the complaint that its damages total \$658,693.72.

////

////

////

8. Thus, the amount in controversy, exclusive of interest and costs, allegedly totals approximately \$658,693.72. State Farm denies that the amount requested is recoverable from State Farm. Accordingly, the amount reasonably at controversy in this matter exceeds the jurisdictional minimum of \$75,000 under 28 U.S.C. § 1332(a).

9. State Farm is concurrently filing this Notice of Removal with the Clerk of the Circuit Court for Clackamas County, Oregon, and providing written notice thereof to plaintiff in accordance with 28 U.S.C. § 1446(d).

10. This is a civil action, over which the court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removable pursuant to 28 U.S.C. § 1441(b).

11. The process, pleadings and orders served upon defendant State Farm in this action consist of the plaintiff's Complaint and Summons. A true copy of each is attached hereto as Exhibits 1 and 2 respectively, and by this reference incorporated herein.

12. Defendant State Farm consents to this removal.

13. By filing this Notice of Removal, State Farm does not waive and expressly reserves all rights, defenses, and/or objections of any nature it may have against plaintiff's claims.

DATED this 10th day of September, 2024.

PARKS BAUER LLP

/s/ Michael J. Walker

By:

MICHAEL J. WALKER, OSB #055108
Of Attorneys for Defendant

CERTIFICATE OF SERVICE

STATE OF OREGON)
) ss.
COUNTY OF MARION)

I hereby certify that I am one of the attorneys for the party stated below, and that I served the foregoing pleading or document on the following party by electronic means through the Court's Case Management/Electronic Case File System:

Mr. Kyle A. Sturm, Nicholas A. Thede,
and Scott A. MacLaren
Foreman Sturm & Thede, LLP
3519 NE 15th Avenue, Suite 489
Portland, OR 97212
Of Attorneys for Plaintiff

DATED this 10th day of September, 2024.

/s/ Michael J. Walker

MICHAEL J. WALKER
Of Attorneys for Defendant